

### **REMARKS**

Reconsideration and allowance of the subject application are respectfully requested. Applicants thank the Examiner for total consideration given the present application. Claims 1-35 are pending prior to the Office Action. Claim 36 has been added through this reply. Claim 24 has been canceled without prejudice or disclaimer of the subject matter included therein. Therefore, claims 1-23 and 25-35 are pending. Claims 1 and 27-28 are independent. Applicants respectfully request reconsideration of the rejected claims in light of the remarks presented herein, and earnestly seek timely allowance of all pending claims.

### **OFFICIAL ACTION**

#### **Preliminary Comments**

##### **Claim Objections**

Claims 13 and 35 have been amended merely to address informal issues and to enhance clarity. It is intended that the scope of the claims remain the same.

##### **Claim Rejection - 35 U.S.C. § 112**

Claims 3-6 and 10 stand rejected under 35 U.S.C. § 112, second paragraph as being allegedly indefinite.

Applicants traverse the rejection of claims 3-4 because the resuming of the connection is definite. However, Applicants have amended claims 3-4 with the feature of "if...the connection has been stopped" to even further make the claim definite and in order for the Examiner to withdraw the 35 U.S.C. § 112, second paragraph rejection. Based on these amendments, it is respectfully requested that the outstanding rejections of claims 3-6 be withdrawn.

Applicants traverse the rejection of claim 10 because the claim is not contradictory as the Examiner alleges. However, in order to move prosecution forward, claim 10 has been amended. Based on this amendment, it is respectfully requested that the outstanding rejection of claim 10 be withdrawn.

The Applicants have amended claims 13-14 and 18-23 by removing the limitation “desired”. Based on these amendments, it is respectfully requested that the outstanding rejections of claims 13-14 and 18-22 be withdrawn.

**Claim Rejection - 35 U.S.C. § 102(e)**

Claims 1-4, 7-14, 16-24, 26, 29-31 and 33-35 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated over Chatfield et al. (U.S. Patent Application No. 2003/0105763 A1). Applicants respectfully traverse this rejection.

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. 2131; M.P.E.P. 706.02.* Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, Chatfield fails to teach or suggest each and every claimed element.

**Argument A) Features of claim 1 not taught:**

Independent claim 1 has been amended to include additional limitations, claim 1 as amended recites, *inter alia*, “[a] content selection method for selecting a content from among a plurality of contents or content providing devices, in which a content selection requesting station selects from among a plurality of content providing stations having the contents or content providing devices, comprising: transmitting a content switching instruction to the content selection requesting station in accordance with operation of the operator; and the content selection requesting station, which has received the content switching instruction, transmitting the content switching instruction to a content providing station, wherein, the content providing station switches the content or content providing device to be selected, every time the same operation of the operator is performed.” *Emphasis added.*

Chatfield merely discloses a wholesale provisioning service is provided by connecting end-users to service providers based on a service being requested. The system includes a data center that provides routing based on information maintained in a digital repository of the data center. The information maintained in the digital repository identifies which service provider has

been selected by the end-user to provide a particular service (e.g., a subscription). The digital repository also includes information identifying alternate service providers for providing a particular service when the service is unavailable from the selected preferred service provider (paragraphs 9, 28-29, 33).

Chatfield is silent of disclosing the features of the content providing station switches the content or content providing device to be selected, every time the same operation of the operator is performed.

Claim 1 as amended is submitted to be allowable over Chatfield for at least this reason.

Dependent claims 2-4, 7-14, 16-24, 26, 29-31, and 33-35 are allowable for the reasons set forth above with regards to claim 1 at least based on their dependency on claim 1.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1-4, 7-14, 16-24, 26, 29-31, and 33-35 under 35 U.S.C. § 102(e).

Reconsideration and allowance of claims 1-4, 7-14, 16-24, 26, 29-31, and 33-35 are respectfully requested for at least these reasons.

### **Claim Rejection - 35 U.S.C. § 103(a)**

Claims 5, 6, 25 and 32 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Chatfield et al. (U.S. Patent Application No. 2003/0105763 A1). Claims 27-28 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Chatfield et al. (U.S. Patent Application No. 2003/0105763 A1) in view of Kenner et al. (U.S. Patent No. 6,269,394). Claim 15 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Chatfield et al. (U.S. Patent Application No. 2003/0105763 A1) in view of Tracton et al. (U.S. Patent Publication No. 2005/0114445 A1). Applicants respectfully traverse these rejections.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142*. One requirement to establish a *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j)*. Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

Dependent claims 5-6, 15, 25, and 32 are allowable for the reasons set forth above with regards to claim 1 at least based on their dependency on claim 1.

**Argument A) Features of claims 27-28 not taught:**

Independent claims 27-28 have been amended to include additional limitations.

Independent claims 27-28 are allowable for similar reasons as set forth above in reference to independent claim 1. Further, Kenner does not make up for the deficiencies found in Chatfield.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejections of claims 27-28 under 35 U.S.C. § 103(a).

Reconsideration and allowance of claims 27-28 are respectfully requested for at least these reasons.

Conclusion

Therefore, for at least these reasons, all claims are believed to be distinguishable over the combination of Chatfield and Kenner, individually or in any combination. It has been shown above that the cited references, individually or in combination, may not be relied upon to show at least these features. Therefore, claims 1-23 and 25-35 are distinguishable over the cited references.

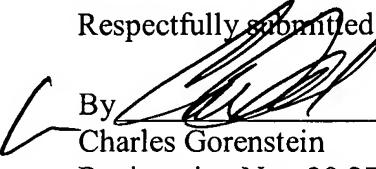
In view of the above remarks and amendments, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Aslan Ettehadieh, Reg. no. 62,278, at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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